UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/675,909	PEARSON ET AL.
Office Action Summary	Examiner	Art Unit	
	TZU-HSIANG (SEAN) LAN	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 July 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-10,12,13 and 22-31</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>7-10,12,13,22 and 23</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☒ Claim(s) <u>24-31</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6/11/2009</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Introduction

The following is a non-final office action in response to the communications received on July 16, 2009. Claims 7-10, 12-13, 22-23, 24-31 are now pending in this application.

Election/Restrictions

1.   Newly submitted claims 24-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 24 and 28 teaches patentably distinctive feature such as checking-in a modified version of the first node and receiving an update to the enterprise planning model. Features above sets claim 24-31 apart from claim 7-10, 12-13, and 22-23.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24-31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

2.   **As for claims 7-10, 12 and 13**, previous 35 U.S.C. 101 rejection is withdrawn in light of applicant's amendment.

3.   **As for claims 7-10, 12 and 13,** previous 35 U.S.C. 112 1st paragraph rejection is withdrawn in light of applicant's amendment.

4.   **As for claims 7-10, 12, and 13,** previous 35 U.S.C. 112 2nd paragraph rejection is withdrawn in light of applicant's amendment as applicant defines reconciliation to be automatically aggregating the contribution data as the contribution data is received.

Response to Arguments

In response to applicant's argument that Elkin fails to disclose that workflow process module defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors, examiner respectfully disagree. .

Here in claim 7, applicant uses the phrase "nodes associated with." In light of the broadest interpretation, Elkin does provide sufficient teaching of the recited claim. In Figure 3, 7, and ¶ 20 and 40-41, Elkin teaches a workflow module defines hierarchically arranged nodes. For instance, in figure 3, "process model" represents first hierarchy of hierarchy while "business entity," "elements," and "containers" represent third layer of hierarchy. Moreover, figure 7 also defines hierarchically arranged nodes. Elkin further teaches that these nodes are associated with business logic software modules and enterprise contributors. For instance, in figure 6 and 7, "join" represents one of the business logic software modules. Further, figure 6, 9 and ¶ 102-106 also show another node that associate with logic software modules "comparator," while associating with different enterprise contributor such as branches 1-3.

In response to applicant's argument regarding Elkin fails to teach receiving contribution data provided by enterprise contributors have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument regarding Elkin fails to teach automating reconciliation of the contribution data by automatically aggregating the contribution data as the contribution data is received, have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Heinl and Halliday fail to disclose modifying nodes of an **enterprise planning model** without preventing execution of an **enterprise planning session** for nodes that are not check out, examiner respectfully disagree.

Here, emphasized phrase "enterprise planning model" and enterprise planning session" merely recites non-functional label for model and session. When taking out non-functional label one of ordinary skill in the art can interpret limitation as "modifying nodes of a model without preventing execution of a session for nodes that are not check out." In the previous office action Heinl and Halliday have been cited to support following official notice: "modifying individual nodes of the model," "modify the nodes of the model without preventing execution of the session for the nodes that are not checked out," and "check out individual nodes." Since all the functional descriptions have been addressed Heinl and Halliday do provide sufficient support for the official notice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elkin with Heinl and Halliday since representation of enterprise nodes and manipulation of nodes are well know at the time of the invention, and one of

ordinary skill in the art would have recognized that the results of the combination were predictable.

Further, the Examiner would like to note the requirements for traversing official notice from MPEP § 2144.03:

> To adequately traverse such a finding, an applicant must <u>specifically point</u> out the supposed errors in the examiner's action, which would include stating <u>why</u> the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b).

> If applicant <u>does not traverse</u> the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the <u>next Office action</u> that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate [emphasis added].

Because Applicant has not specifically pointed out any errors in the Examiner's action, the officially noticed facts in the September 2, 2008 Office Action are deemed admitted prior art.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   **Claims 7-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Elkin et al. (U.S. 2007/0179828) in view of Adaytum Software

("Adaytum") and further in view of Examiner's Official Notice.

   As for claim 7 Elkin discloses a system substantially including comprising:

   Executing, by a computing device, an enterprise planning session in accordance

with an enterprise planning model, wherein the enterprise planning model defines

hierarchically arranged nodes associated with business logic software modules and

enterprise contributors, wherein executing the enterprise planning session comprises:

receiving contribution data and automating reconciliation of the contribution data

corresponds to the enterprise planning model, and wherein the enterprise planning

model comprises a financial model (see ¶¶ 13, 15, 40-41, 102-106 Fig. 3, Fig. 7-9,

noting an enterprise model application allows users to define enterprise models in a

hierarchical fashion, for example a mortgage financial model);

Checking-out an individual model for editing during execution of the enterprise

planning session in accordance with the enterprise planning model (see Table 1 - list of

operations, including checkout and check in); and

Modifying a model without preventing execution of the enterprise planning

session for the model (see ¶ 13, noting users may edit the enterprise model without

affecting current enterprise operations).

Adaytum teaches:

receiving contribution data provided by the enterprise contributors (Adaytum

page 30-31, and 34);

reconciling the contribution data across an enterprise that corresponds to the

enterprise planning model by automatically aggregating the contribution data (Adaytum,

page 30-31 and 34).

But Elkin and Adaytum fails to explicitly disclose, and the Examiner previously

took Official Notice that it is old and well known to:

- Modify individual nodes of the model (Heinl, § 2.2, noting that flexibility by

    adaption is where a node is modified to include additional paths to other

nodes; <u>Halliday</u> at 7, noting that tasks are individual nodes of a workflow and

can be edited in a dynamic reconfiguration).

- Modify the nodes of the model without preventing execution of the session for

   the nodes that are not checked out (e.g., execute the enterprise planning

   session in accordance with the model while the modifications are occurring [i.e.

   dynamic modification/reconfiguration]). (<u>Heinl</u> at 80, first column, noting that

   modifications to the workflow occur in real-time, that is, while the model is still

   running; <u>Halliday</u> § 2.3 - Flexibility by adaptation: Dynamic Reconfiguration,

   noting tasks are modified).

- Check out individual one of the nodes (e.g., that the administration console

   allows an analyst to check-out individual nodes of the model for editing during

   execution of the enterprise planning session without taking the model offline).

   (<u>Heinl</u>, Fig. 6, noting the lock / check out policy of one node at a time A or B; §

   4.2.3, noting the use of check-in / check-out).

Further, examiner takes official notice that:

- Aggregating the data as the data is received is well known in the art at the time

   of the invention.

It would have been obvious to a person having ordinary skill in the art at the time

of invention to modify the system in <u>Elkin</u> and Adaytum to include the dynamic

modification features well known in the art, such as check-out of individual nodes and

real-time modification. These well-known features are a known improvement to

workflow systems like Elkin, and would provide the predictable result of allowing the system to be flexible as situations change.

As for claim 8, see the discussion in claim 7above. Elkin further teaches receiving updated model information for a node, and updating a respective slice of the enterprise planning model for only one of the nodes based on the updated model information (see ¶¶ 146 and 196, noting an updated process model may be overlaid on the existing process model in real-time).

Elkin fails to explicitly disclose that the nodes are checked-out. However, as shown in claim 7, node check-out is an old and well-known concept. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that the updates to the model in Elkin are based on the nodes checked-out for updates, for the purpose of allowing changes to an existing model.

As to claim 9, see the discussion in claim 8 above. Elkin further discloses wherein updating the enterprise planning model comprises modifying the business logic software module or the enterprise contributor associated with the checked-out individual one of the nodes in response to the updated model information (see ¶¶ 196-198).

Elkin fails to explicitly disclose that the nodes are checked-out. However, as shown in claim 7, node check-out is an old and well-known concept. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to

specify that the updates to the model in <u>Elkin</u> are based on the nodes checked-out for
updates, for the purpose of allowing changes to an existing model.

As to claim 10, see the discussion in claim 8 above. Elkin further teaches:

updating data of the checked-out model with the contribution data in accordance
with the updated model information when the check-out model is subsequently
checked-in during the execution of the enterprise planning session (¶ 159-167 and table
1 i.e. checked out model is updated with and edited, then subsequently checked-in,
further, ¶179-185 i.e. current edited task is later checked-in while planning session still
running).

However, <u>Elkin</u> fails to explicitly disclose that an individual node is checked-out.
However, as shown in claim 7, node check-out is an old and well-known concept.
Therefore it would be obvious to one with ordinary skill in the art to check out a node
and update the node before check-in the node. Further Elkin does not explicitly teach
receiving and processing contribution data from enterprise contributor.

Adaytum further teaches:

receiving and processing the contribution data from the enterprise contributors
associated with the nodes of the model during the execution of the enterprise planning
session and prior to the check-out of the individual one of the nodes (Adaytum page 30-
31 and 34, i.e. contribution data are received and processed from bottom-up
contributors).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elkin with Adaytum in view of examiner's official notice since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 12, see the discussion in claim 10 above. Elkin does not explicitly teach defining reconciliation jobs for execution by prompt a reviewer to reconcile the previously received contribution data.

Adaytum teaches:

defining reconciliation jobs for execution by an application server to prompt a reviewer to reconcile the previously received contribution data with the updated model information for the check-in individual one of the nodes (Adaytum, page 31-32 and 34 i.e. e.planning application able to prompt a reviewer to reconcile the previous data with updated model information for example, managers can input data that update a node and when check-in individual one of the nodes, the system from bottom-up reconciling the contribution data), wherein the application server is communicatively coupled to the computing device (Adaytum page 4-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elkin with Adaytum since invention is merely a combination of old elements, and in the combination each element merely would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized

that the results of the combination were predictable.

As to claim 13, see the discussion in claim 10 above. Elkin does not explicitly

teach reconciling jobs for execution by remote computers of enterprise contributors.

Adaytum further teaches:

defining reconciliation jobs for execution by remote computers of the enterprise

contributors to prompt at least one of the enterprise contributors to reconcile the

previously received contribution data with updated model information for the checked-in

individual one of the nodes (Adaytum page 31-32 and 34 i.e. top-down planning where

updated model information is escalated and reconciled).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Elkin with Adaytum since invention is merely a combination of old

elements, and in the combination each element merely would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized

that the results of the combination were predictable.

As to claim 22, see the discussion in claim 7 above. Elkin further teach receiving

contribution data (fig 7 ¶ 161-167 and 179-187) However, Elkin does not explicitly teach

identify higher levels of the hierarchically arranged nodes affected by the contribution

data and calculate new aggregate totals at each level of the nodes in real time.

Adaytum further teaches:

receiving a portion of the contribution data (page 31);

identifying higher levels of the hierarchically arranged nodes affected by the

portion of the contribution data (Adaytum page 31-32); and

calculating new aggregate totals at each level of the hierarchically arranged

nodes according to the received portion (Adaytum page 31-32 i.e. information gap is

readily identified for each level of the hierarchically arranged nodes according to either

top down or bottom up input).

But Elkin and Adaytum fail to explicitly disclose calculating aggregate total in real

time. However, examiner took official notice that processing data in real time is old and

well known in the art. It would have been obvious for one of ordinary skill in the art at

the time of the invention to modify Elkin with Adaytum in view of examiner's official

notice because implementing real-time update would enhance information

synchronization across the enterprise.

As to claim 23, see the discussion in claim 12 above. Elkin does not explicitly

teach receiving an indication from reviewer corresponding to the checked-in one of the

nodes.

Adaytum further teaches:

receiving an indication from the reviewer corresponding to the checked-in

individual one of the nodes (Adaytum page 31 i.e. an administration tool will ensure

submission of right information on time, which implies that indication for wrong

information would be filtered); wherein an indication indicates whether the reviewer

accepted or rejected the contribution data for the checked-in individual one of the nodes

(page 31 i.e. right information is ensured which implicitly express administration tool

filters contribution data for the checked-in one of the nodes).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Elkin with Adaytum since invention is merely a combination of old

elements, and in the combination each element merely would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized

that the results of the combination were predictable.

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

2.   USP 5406477 - Harhen discusses reconciliation of data in enterprise scenario.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TZU-HSIANG (SEAN) LAN whose telephone number is

(571)270-7054. The examiner can normally be reached on Monday-Friday 8am-4pm

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth V. Boswell can be reached on (571)272-6737. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TZU-HSIANG (SEAN) LAN/
Examiner, Art Unit 3623

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623